

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERIC MATTHEW SCHOENBERG,

Plaintiff,

V.

# WINDSTAR CRUISES MARSHALL ISLANDS, LLC,

Defendant.

C20-1485 TSZ

## MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) By Order entered May 14, 2021, docket no. 31, the Court requested that the owner or manager of the Summit at Madison Park apartments indicate whether plaintiff currently resides or previously resided at 1819 23rd Avenue, Apt. 308W, in Seattle. The Court has received a response via email stating that the manager has no record of plaintiff ever residing at the Summit at Madison Park apartments.

(2) Plaintiff's counsel's motion for reconsideration, docket no. 26, is treated as a renewed motion for leave to withdraw and is GRANTED. Plaintiff's counsel indicates that he served both his original motion and his renewed motion for leave to withdraw on plaintiff via email at [ericmschoenberg@icloud.com](mailto:ericmschoenberg@icloud.com). See McCanna Decl. & Certificate of Service (docket no. 26). The Court sent a copy of its Minute Order entered April 12, 2021, docket no. 28, to the same email address and received no notification (or "bounce back") that might suggest the address is not valid. Plaintiff's counsel has endeavored to locate plaintiff and ascertain whether he wishes to pursue this litigation, but to no avail. In light of the circumstances, plaintiff's counsel James K. McCanna and the firm of McCanna Law, PLLC are GRANTED leave to withdraw as counsel of record for plaintiff Eric Matthew Schoenberg, effective immediately.

(3) If plaintiff wishes to retain substitute counsel, he shall make arrangements for an attorney authorized to practice in this district to file a notice of appearance within thirty (30) days of the date of this Minute Order. If no notice of appearance is timely filed, plaintiff will be deemed to be proceeding in this matter pro se,<sup>1</sup> and counsel for defendant may thereafter have direct contact with plaintiff. Defendant may use email, phone, and/or social media to contact plaintiff, and with plaintiff's agreement, may serve discovery requests and other materials on him via electronic means. If plaintiff does not respond within thirty (30) days after defendant has made at least three (3) good faith attempts to reach him, during three consecutive weeks, defendant may move to dismiss this matter pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

(4) Defendant's motion to compel discovery, docket no. 23, is STRICKEN without prejudice. The parties or, if plaintiff is non-responsive, just defendant shall file a status report within 120 days of the date of this Minute Order.

(5) The Clerk is directed to send a copy of this Minute Order to all counsel of record and to plaintiff at [ericmschoenberg@icloud.com](mailto:ericmschoenberg@icloud.com).

Dated this 19th day of May, 2021.

William M. McCool  
Clerk

s/Gail Glass  
Deputy Clerk

<sup>1</sup> As indicated in the prior Minute Order, docket no. 28, if plaintiff proceeds pro se, he will have an obligation to keep the Court apprised of his contact information and to provide the Court with any change of address. He will also be expected to comply with the rules and orders of this Court, and he will be held to the same standards as attorneys authorized to practice before this Court. Plaintiff is further ADVISED that his failure to respond to defendant's discovery requests or otherwise participate in this litigation as required by the rules and orders of this Court will be grounds for dismissal of his claims.